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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942

No. 238

THELMA MARTIN,

Appellant,

vs.

CITY OF STRUTHERS, OHIO.

APPEAL FROM THE SUPREME COURT OF THE STATE OF OHIO.

STATEMENT AS TO JURISDICTION.

✓ **HAYDEN C. COVINGTON,**
✓ **VICTOR F. SCHMIDT,**
Counsel for Appellant.

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No. 238

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CITY OF STRUTHERS, OHIO,

Appellee.

JURISDICTIONAL STATEMENT.

In compliance with Rule 12 (1) of the Supreme Court of the United States, as amended April 6, 1942, appellant files her statement disclosing the basis upon which she contends that the Supreme Court has jurisdiction upon appeal to review the judgment in question.

Statutory Provisions Sustaining Jurisdiction.

Jurisdiction of the Supreme Court of the United States is invoked under Section 237 (a) of the Judicial Code [28 U. S. C. 344 (a)].

Under the Act of Congress of January 31, 1928, Chapter 14, 45 Stat. 54, and under the Act of Congress of April 26, 1928, Chapter 440, 45 Stat. 466, an appeal may be taken in any case which under prior statute could be received as a matter of right on writ of error.

Ohio Legislation Drawn in Question.

The ordinance, the constitutionality and validity of which as construed and applied to appellant, here drawn in question is an ordinance of the City of Struthers, Ohio, known as Section 41 of Chapter 21 of Ordinances of the City of Struthers, reading as follows:

“It is unlawful for any person distributing handbills, circulars or other advertisements to ring the door bell, sound the door knocker, or otherwise summon the inmate or inmates of any residence to the door for the purpose of receiving such handbills, circulars or other advertisements they or any person with them are distributing.”

The Supreme Court of Ohio and the courts below held that the ordinance was not unconstitutional and that it did not deprive appellant of her right of freedom to worship ALMIGHTY GOD, freedom of conscience and of press, contrary to Section 1, Fourteenth Amendment to the United States Constitution. Said courts also held that the ordinance was not unreasonable, arbitrary, discriminatory, and was not in excess of the police power of the city. Accordingly, that court of last resort of the State of Ohio sustained the application of the ordinance to appellant and decided in favor of the validity of the same and held it to be constitutional on its face and as construed and applied.

Timeliness.

The judgment of the Supreme Court of Ohio was rendered and entered February 4, 1942 (R. —). There was no opinion delivered by that court or the courts below. Memorandum decision was filed in Cause No. 28974 of general docket decisions on such date, copy of which memorandum decision is attached hereto and marked as “Appendix A”,

which said memorandum opinion is reported in volume 14 of the Ohio Bar Association Reports at page 735. The court of appeals of Mahoning County, Ohio, also filed a memorandum decision on December 2, 1941, which is reported in volume 14 of the Ohio Bar Association Reports at page 44. Journal entry of such judgment is attached hereto and marked as "Appendix B". The judgment of the Supreme Court of Ohio became final on February 4, 1942, the date of its memorandum decision.

This petition for appeal is duly filed and presented within three months from the date of such final judgment and is therefore timely in that it was presented to the Supreme Court of Ohio on May 2, 1942.

Statement of Nature of Case and Rulings of the Court.

The rulings of the Ohio Supreme Court, the Court of Appeals, the Court of Common Pleas and the Mayor's Court of Struthers, are such as to bring this case within the jurisdictional provisions relied on above.

On the afternoon of July 7, 1940, the appellant, one of Jehovah's witnesses, was engaged in preaching the gospel of God's Kingdom by word of mouth and by distribution of literature from house to house, when she knocked at the door of a residence in the city of Struthers and thereby attracted an inmate thereof to the door. Appellant told such person that she was one of Jehovah's witnesses, preaching the Gospel and that some of her associate members were being detained by the city police because of preaching the Gospel and asked the householder to call the police and protest against such action. She offered a pamphlet also, for which a contribution to the cause was requested, all of which requests were declined. The pamphlet offered to the householder calls attention to the Bible to show that the turbulent conditions on the earth today were forefold by

Almighty God centuries ago, and also presents a warning from Jehovah God to all persons of good-will that the time is near at hand when Almighty God shall vindicate His name and His people by the destruction of all persons who support religion, which is not the true worship of Almighty God, and all who support politics and commerce, because each and all of such are the means employed by the Devil to deceive and blind the people to the purposes and laws of Almighty God. The pamphlet shows that such time of trouble, known as "the battle of that great day of God Almighty" at Armageddon, is near at hand, and will be immediately followed by continuous increase of The Theocratic Government in the earth by Jehovah God under Christ Jesus, and which will bring peace, prosperity, happiness and everlasting life unto all persons who willingly obey all laws of that Government, and who give praise and honor to Jehovah God. The appellant thereupon handed the householder a printed leaflet (see Appendix C for copy) announcing and inviting attendance to a public meeting, where a Bible discourse would be given; then left the premises. Briefly stated, this is the evidence upon which said conviction was based.

The record contains no evidence tending to show that appellant was warned away from said premises by placard or otherwise, or that she was guilty of any fraud, or that her conduct was other than peaceable and orderly at all times, or that the leaflet was of a character subversive of the morals of the public or inimical to the democratic form of government or calculated to preach the peace or otherwise interfere with the public welfare.

The undisputed evidence is that appellant knocked on the door of the Swartzlander home (SM:1) at which time the above detailed facts transpired (SM:1-7). After she left the premises, she was arrested by Officer Landgraft along

with several other Jehovah's witnesses who were arrested in other parts of the city (SM:8-10).

Thelma Martin, appellant, testified to the above facts and that she was a duly ordained minister, preaching the Gospel as above outlined (SM:10-13).

The undisputed evidence showed that she did not knock on the door in a loud and boisterous manner, that she was orderly, courteous and peaceable at all times and left the premises immediately when the householder indicated at the door that he was not interested. The undisputed evidence shows that she did not trespass and that she had not been warned not to enter upon the premises by placard or otherwise and that she was not offensive to anyone.

Trial Court Proceedings.

By affidavit and complaint appellant was charged with an alleged violation of the aforesaid ordinance in that she "did ring the doorbell, sound the door knocker or otherwise summon the inmate of the said residence to the door for the purpose of receiving such handbill and pamphlet which she was distributing". The above facts were developed in the evidence before Mayor W. A. Strain at the trial of appellant under such complaint (SM:1-15).

At the close of the evidence, appellant duly presented her motion to dismiss on the grounds that the ordinance was unconstitutional and as construed and applied because it denied and deprived her of her right of freedom of press and freedom to worship Almighty God as an ordained minister in the manner in which she was doing, contrary to the United States Constitution, Fourteenth Amendment, and that the ordinance was void because of the reasons hereinafter set forth (SM:13-15). For such reason, the appellant urged the trial court to acquit her (SM:15-16) which motion was overruled (SM:16) and the court held

the ordinance to be constitutional (SM:16); and thereupon on June 11, 1940, convicted the appellant and found her guilty and imposed a fine of \$10.00 and costs (SM:16). Journal entry of the judgment of conviction was duly entered to which appellant excepted (R. —).

Appellant duly filed her motion for a new trial, which was overruled and to which appellant excepted (R. —).

Appeal Proceedings.

In the time and manner required by law, appellant served and filed her Notice of Appeal to the Court of Common Pleas of Mahoning County (R. —). Thereafter appellant filed her Petition in Error with the Court of Common Pleas of Mahoning County, which was docketed as 108455, in which petition in error complaint was duly made as to the ruling of the Mayor's Court of the City of Struthers in holding the ordinance constitutional and convicting appellant (R. —). Thereafter the cause was brought on for hearing in the Court of Common Pleas and the judgment rendered on the 20th day of January 1941, at which time the judge of the Court of Common Pleas filed the following memorandum decision:

“Hearing: Judgment affirmed at costs of appellant remanded for execution; Exception to defendant-appellant. (The ordinance is a valid exercise of the police power and does not contravene constitutional guarantees.)” (R. —)

Thereupon the Court of Common Pleas entered its judgment affirming the conviction as shown in the Journal Entry (R. —).

Appellant duly filed her motion for new trial, complaining of the ruling of the court, in the manner required by Ohio procedure (R. —). Said motion was overruled by the Common Pleas Court, to which action the appellant ex-

cepted and was allowed by the court the statutory time in which to perfect appeal to the Court of Appeals (R. —).

Thereafter appellant duly gave Notice of Appeal from the judgment rendered by the Court of Common Pleas, which was duly served upon the Clerk and the Attorney for Appellee and duly filed in the Court of Common Pleas (R. —).

Appellant duly filed in the Court of Appeals in the time and manner required by Ohio procedure, her assignments of error, complaining of the rulings of the Mayor's Court and Common Pleas Court in failing to hold the ordinance unconstitutional and void as construed and applied to appellant, (R. —) which said assignments read as follows:

1. The court erred in holding that Section 41 of Chapter 21 of the Ordinances of the City of Struthers, Ohio, is applicable to the activities of the defendant-appellant as disclosed by the evidence and the record.

2. The court erred in holding that Section 41 of Chapter 21 of the ordinances of the City of Struthers, Ohio, as applied to the activities of the defendant-appellant, as disclosed by the evidence and the record, is a valid exercise of the police power and does not contravene the constitutional guarantees of the defendant-appellant.

3. The court erred in holding that there is no error in the record of the proceedings of the Mayor's Court prejudicial to the rights of the defendant-appellant.

4. The judgment of affirmance is contrary to law.

5. The court erred in refusing to reverse the judgment of the Mayor's court. (R. —.)

In the time and manner by law required, appellant served and filed her Notice of Appeal from the Court of Appeals to the Supreme Court of Ohio, which reads in part as follows:

"The appellant herein, who was appellant in the Court of Common Pleas and defendant in the Mayor's Court, hereby gives notice of appeal to the Supreme

Court of Ohio, from the judgment rendered by the Court of Appeals on the 2nd day of December, 1941, affirming the judgments of the Court of Common Pleas and of the Mayor of the City of Struthers, Ohio, finding and adjudging this appellant guilty of violating Section 41 of Chapter 21 of the Ordinances of the City of Struthers, Ohio.

"Said appeal is on questions of law and is taken to the Supreme Court:

"Upon appeal as of right in a case involving the constitutionality of Section 41 of Chapter 21, Ordinances of the City of Struthers, Ohio, as applied to appellant, and construction of Section 11 of Article I of the Constitution of Ohio and Section 1 of the Fourteenth Amendment to the Constitution of the United States." (R. —.)

Appellant duly filed within the time and manner required by law assignments of error duly attacking the validity of the ordinance on the grounds that it was contrary to the Constitutions of the State of Ohio and the United States.

On February 4, 1942, the Ohio Supreme Court rendered a judgment as shown by the Journal Entries and memorandum decision dismissing the appeal because no debatable constitutional question was involved.

The Ohio Supreme Court, the Court of Appeals of Ohio, the Common Pleas Court and the Mayor's Court of Struthers each duly passed upon each of said Federal questions or assignments attacking the validity of the ordinance and each of said courts held it valid and constitutional, both on its face and as applied and found that the Fourteenth Amendment to the United States Constitution was not violated.

The Ohio Supreme Court sustained the conviction of appellant and affirmed the judgment of the trial court by dismissing the appeal.

In the petition for appeal and the assignments of error

filed with this statement, appellant complains of the judgment of the Ohio Supreme Court for and on account of each of the grounds set forth in their brief filed in said court.

Grounds and Decisions Sustaining Appellate Jurisdiction of the United States Supreme Court and Showing Federal Questions.

First.

The ordinance in question, both on its face and as construed and applied to appellant, is unconstitutional and void in that it unreasonably and unlawfully deprives appellant of freedom to worship ALMIGHTY GOD, Jehovah, and freedom of conscience and of press, all contrary to Section 1, Fourteenth Amendment to the United States Constitution.

Second.

The ordinance in question is unconstitutional and void on its face because repugnant to Section 1, Fourteenth Amendment to the United States Constitution, in that it is unreasonable and arbitrary and makes unlawful that which is inherently lawful, it deprives persons lawfully on the property of another for a lawful purpose, liberties and privileges secured by the Constitution.

Discussion of Ordinance in Question and of Federal Questions Presented.

The ordinance in question does not prohibit trespassing. Even a trespasser could not be convicted so long as he did not ring a door bell or knock on a door. The act of calling from house to house is a lawful business and cannot be prohibited. The act of distributing literature from house to house is a right guaranteed by the Constitution and cannot be infringed upon unduly by any law. The act of going from house to house is not a nuisance and does not consti-

tute trespass. *Borchert v. City of Ranger* (Texas) *et al.*, 42 F. Supp. 577 (ordinance of City of Ranger); *Widle v. Harrison* (Ark.) *et al.*, unreported decree by United States District Court for Western District of Arkansas, January 9, 1941; *Donley v. City of Colorado Springs, Colorado*, 40 F. Supp. 15; *Zimmerman v. London*, 38 F. Supp. 582; *City of Columbia (S. C.) v. Alexander*, 119 S. E. 241; *Real Silk Hosiery Mills v. City of Richmond, Calif.*, 298 F. 126; *Ex parte Maynard*, 275 S. W. 1071; *City of Orangeburg v. Farmer*, 181 S. C. 143; 186 S. E. 783; *Jewel Tea Co. v. Town of Bel Air*, 172 Md. 536; 192 A. 417; *Prior v. White*, 180 So. 347; 116 A. L. R. 1176; *White v. Town of Culpeper*, 172 Va. 630; 1 S. E. 2d 269; *N. J. Good Humor, Inc. v. Bd. of Comm.*, 11 A 2d 113, 114; *City of McAlester* (Okla.) *v. Grand Union Tea Co.*, 98 P. 2d 924; *De Berry v. City of La-Grange, Ga.*, 8 S. E. 2d 147; *Jewel Tea Company v. City of Geneva, Nebr.*, 291 N. W. 664; *Hague v. C. I. O. et al.*, 101 F. 2d 774; 307 U. S. 496.

The ordinance encourages littering and scattering of literature and discourages the lawful and proper distribution of literature, i. e., handing and delivery of same from distributor to recipient. The best and most effective way of distributing pamphlets is at the homes of the people. *Schneider v. State* [Town of Irvington], 308 U. S. 147. This ordinance is a prohibition outright and makes a nullity of that right of distribution.

The appellee admits the right to distribute literature but makes unlawful the only lawful and legal means of so distributing it.

The invalidity of the ordinance is manifest in the fact that one can go upon the porch of another and scatter literature about unlawfully and not be prosecuted under the ordinance unless he rang a door bell or knocked at the door. The ordinance is manifestly unlawful.

In the courts below the appellee relied upon the case of *San Francisco News Co. v. City of South San Francisco*, 69 F. 2d 879, 886. The ordinance of Struthers is not similar to the one in South San Francisco involved in that case. The Struthers ordinance actually *does forbid manual delivery* of publications by carrier to a member of the household. Therefore the basis for holding the South San Francisco ordinance valid does not apply here. Such is not in point. There the Circuit Court of Appeals said:

“* * * The ordinance does not forbid the manual delivery of the publication by the carrier to a member of the household; * * *”

Here no claim or intimation is made that appellant *forced* her message on anyone. If it can be considered as “forcing”, then every United States postman in the country is guilty of ‘forcing himself upon others’ in their homes and ‘invading their privacy’; and such is equally true of every Western Union messenger in the country, where either the postman or the delivery boy must hand the message personally to the householder.

In the absence of any evidence in the record tending to show that the appellant was disorderly, offensive, or a trespasser, it cannot be said that the simple act of summoning to the door and handing the householder the printed leaflet inviting the householder to a meeting constituted a nuisance so as to warrant the conviction under the ordinance. The ordinance is manifestly an invasion of appellant’s constitutional rights of freedom of the press.

A Chicago ordinance, for instance, which banned the distribution of handbills except by putting them under doors and in letter boxes and prohibited the ringing of any bell on the premises, was held by the court to be invalid as an unreasonable interference with private rights, in *Chicago v. Schultz*, 341 Ill. 208, 173 N. E. 276. The court cited with

approval the case of *People v. Armstrong*, 73 Mich. 288, 41 N. W. 275, which had held a handbill ordinance invalid on the ground that it was unreasonable if it included in its prohibition the circulating of an "invitation to a moral and Christian assembly of people gathered together for the public good."

It is obvious that to prohibit appellant from calling the inmate of any residence to the door for the purpose of receiving the printed leaflets is to hamper and restrict materially the distribution, because it leaves no practicable means of contact with the householders at their homes. Without personal contact, there can be no practical way to make certain that the leaflets will ever reach intended recipients who may be willing to receive them; and all opportunity is lost to engage in oral conversation in connection with the distribution.

It is no answer to say that distribution is not materially interfered with because appellant could still leave the leaflets on the porch or elsewhere on the premises without disturbing the occupants. If the ordinance is valid as enforced against appellant, then so would be an ordinance prohibiting distribution by leaving on the porch or elsewhere on the premises, and thus, by piecemeal, all practicable means of distribution at residences could be destroyed.

The ordinance penalizes one who desires and endeavors to distribute or disseminate information the "right way".

There is no question of distribution of commercial advertisement as was involved in the case of *Valentine v. Christenson*, 62 S. Ct. 920-922.

This case is within the rule announced and laid down in *Donley v. City of Colorado Springs, Colorado, supra*, where the "Green River" ordinance under which Jehovah's witnesses had been convicted was held inapplicable to their

preaching the Gospel and the case of *Green River v. Fuller Brush Co.*, 65 F. 2d 112, was clearly distinguished. To the same effect is *Zimmerman v. London, Ohio*, *supra*, which also involved Jehovah's witnesses, and where United States District Judge Underwood said as follows: at page 584 of the opinion:

"In the case now before this Court, the ordinance imposes no censorship upon the 'free and unhampered distribution of pamphlets'; it imposes what amounts to a *virtual prohibition* upon such distribution. * * * Certainly there is no prospect under the ordinance for the 'free and unhampered distribution of pamphlets' as envisioned by the Supreme Court. * * *"
[Italics ours.]

The ordinance is not regulatory but is prohibitory. As long as one does not ring on a door bell or knock on a door he is permitted to make a nuisance of himself at all hours of the day or night and at all places.

The ordinance also makes unlawful the ringing of a door bell or knocking on a door, by a person who is invited on the premises by the householder for the purpose of leaving literature containing information and opinion.

The ordinance here under examination, if allowed the construction and application given it by the lower courts, absolutely prohibits the summoning of one to the door of any residence for the purpose of receiving any hand bill, circular or other advertisement, and this without restriction as to time, manner, circumstances, or character of the information contained in the printed matter, and without regard to the willingness or desire of the householder. It forbids even that which the householder permits or invites. It makes no attempt to differentiate between persons who conduct themselves properly and those who do not. Such ordinance is not regulatory, but is preventive and prohibitive, as against an act of the appellant which is in itself in-

nocent, and which is neither a public nuisance nor a trespass.

There is no rational connection between the means employed and the end aimed at by the ordinance. The police power, relied upon by the appellee, has its limitations recognized by this Court, when confronted with the barrier of constitutional protection of the rights of freedom of worship and of press. The principle here contended for is well stated in Freund's work on "The Police Power" (page 133, section 143), where it is said:

"The questions which present themselves in the examination of a safety or health measure are: does a danger exist? is it of sufficient magnitude? does it concern the public? does the proposed measure tend to remove it? is the restraint or requirement in proportion to the danger? is it possible to secure the object sought without impairing essential rights and principles? does the choice of a particular measure show that some other interest than safety or health was the actual motive of legislation?"

The ordinance makes no distinction whatsoever as to one who is on the property as an invitee, or trespasser: It outright and absolutely prohibits the inoffensive and lawful act of ringing the door bell or knocking on the door, regardless of the purpose of the visit. The doctor making a call, or the minister calling on a member of his church would violate the ordinance and subject himself to conviction if he were to knock on the door or ring the door bell announcing his arrival and seeking entrance, even though he were there on request or by permission.

It is said that the ordinance was passed to prevent unnecessary disturbances and *possible* annoyances to householder who may be summoned to the door by the distributor of the literature. Since the homes of the people are necessary and proper places for the distribution of literature (*Schneider v. State, supra*), it seems that questions in favor

of sustaining the right to distribute literature and deliver the same to the individual far outweigh the questions advanced in support of the conveniences of the householder in preventing possible annoyances. The words of Mr. Justice Roberts in *Schneider v. State, supra*, are appropriate here:

“* * * Mere legislative preferences or beliefs respecting matters of public convenience may well support regulation directed at *other personal activities*, but be insufficient to justify such as diminishes the exercise of rights so vital to the maintenance of democratic institutions. * * *

“*Frauds* may be denounced as offenses and punished by law. *Trespasses* may similarly be forbidden. If it is said that these means are less efficient and convenient than bestowal of power on police authorities to decide what information may be disseminated from house to house, and who may impart the information, the answer is that *considerations of this sort do not empower a municipality to abridge freedom of speech and press.*” (Italics added.)

It is time enough to apply an ordinance of this character when it is found that the literature is for an illegal, improper and wrongful purpose. While it may be doubtfully considered as valid when applied to items of commercial advertisement (*Valentine v. Christenson, supra*), yet when applied to the distribution of information and opinion and pamphlets of the nature distributed here, the ordinance immediately becomes unconstitutional.

Placing the construction upon the ordinance as intended so as to confine it exclusively to commercial advertisement would prevent the ordinance from being held unconstitutional, but since the courts below have so construed the ordinance so as to apply to the activity of the appellant, this Court is bound to accept that construction and concede that the ordinance does proscribe the activity of the appellant. This Court is not, however, precluded from

holding that the Federal constitutional rights have been invaded by the ordinance.

The ordinance does not mention "ministers" going from house to house and clearly was not intended to include "ministers", but since it has been construed to include the "ordained minister", here involved, the right to preach the Gospel as guaranteed under the freedom of worship clause of the Constitutions of the United States and the State of Ohio, the Fourteenth Amendment to the United States Constitution has been invaded.

An "ordained minister" of Almighty God, sincerely doing good unto others and attempting to find in the community those who sigh and cry (Ezekiel 9:4) cannot safely carry out his God-given commission to "comfort all that mourn" as he is by Almighty God commanded to do, in calling from house to house. (Isaiah 61:1-3; Mark 16:15; Revelation 22:17.) Manifestly the ordinance was not intended to be applied to the activity of "ordained ministers" or pamphleteers, (*Cincinnati v. Mosier*, 61 Ohio App. 81, 14 Ohio Ops. 134, 22 N. E. 2d 418) and when applied as here so as to prohibit distribution of literature of this character in the circumstances revealed in the evidence, it becomes unconstitutional.

Lovell v. City of Griffin, 303 U. S. 444;

Schneider v. State, *supra*;

Cantwell v. Connecticut, 310 U. S. 296;

Thornhill v. Alabama, 310 U. S. 88;

Near v. Minnesota, 283 U. S. 697;

Kennedy et al. v. Moscow et al., 39 F. Supp. 26;

State ex rel. Wilson et al. v. Russell, 1 So. 2d 569.

It is clear therefore that the Supreme Court of the State of Ohio stumbled into the "pit of error" while attempting to "perform the delicate and difficult task of appraising the substantiality of the reasons advanced" in support of the

ordinance in question. That court did not give proper weight to the reasons advanced by appellant in support of the questions presented.

For the above reasons we submit that the Supreme Court of Ohio has committed fundamental error and ruled directly contrary to applicable decisions of this Court, and has so far departed from the usual and ordinary course and path of constitutional law as to require the Supreme Court of the United States to exercise its power to correct the same in these proceedings.

Conclusion.

For sake of brevity, reference is here made to Petition for Appeal filed in this cause, with which we incorporate, by such reference, each and every assignment of error therein contained and hereby make the same a part hereof to show that substantial questions were presented before the Supreme Court of the State of Ohio.

WHEREFORE the Supreme Court of the United States should note jurisdiction of this cause for final hearing in accordance with the rules of this Court, because the courts below disposed of important Federal questions in a way that is in conflict with applicable decisions of this Court and have so radically and far departed from the Constitution of the United States and the accepted and regular course of the jurisdictional procedure as to call for this Court's power of supervision to halt the same.

Confidently submitted,

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APPENDIX "A".

[A true copy:]

IN THE SUPREME COURT OF OHIO**Appeal from the Court of Appeals of Mahoning County,
Ohio.****No. 28974****CITY OF STRUTHERS, Appellee,****v.****THELMA MARTIN, Appellant.****Memorandum Decision [February 4, 1942]****Weygandt, C. J., Turner, Matthias and Zimmerman, JJ.,
concur.****Dismissed, no debatable constitutional question involved.**

APPENDIX "B".

[A true copy:]

THE STATE OF OHIO, MAHONING COUNTY,**IN THE COURT OF APPEALS,****SEVENTH DISTRICT.****No. 2758****CITY OF STRUTHERS, OHIO, Plaintiff-Appellee,****v.****THELMA MARTIN, Defendant-Appellant.****Journal Entry [Filed Dec. 2, 1941]**

This matter came on to be heard before the Honorable William M. Carter, Elmer T. Phillips and John C. Nichols, Judges of the Court of Appeals of the Seventh Judicial Dis-

trict, Mahoning County, Ohio, upon an appeal filed by the defendant-appellant, Thelma Martin, upon a question of law and fact, and the Court being fully advised in the premises, and after hearing the arguments of counsel for the respective parties, and after submission of briefs, finds that the judgment of conviction rendered by the Court of Common Pleas was substantiated by the evidence, and that there is no error in the record or proceedings prejudicial to the rights of the defendant-appellant, and that Section 41 of Chapter 21, Struthers City Ordinances, to-wit:

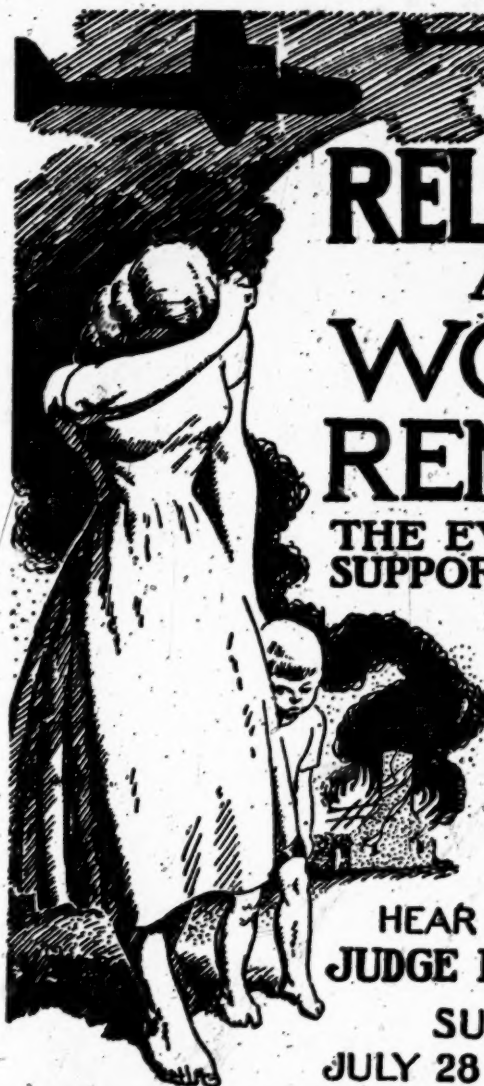
“It is unlawful for any person distributing hand bills, circulars or other advertisements to ring the door bell, sound the door knocker, or otherwise summon the inmate or inmates of any residence to the door for the purpose of receiving such hand bills, circulars or other advertisements they or any person with them may be distributing.”

is a valid exercise of the police power and does not contravene the constitutional guarantees of the defendant-appellant.

WHEREFORE, it is Ordered, Adjudged and Decreed that the judgment of the Court of Common Pleas be and hereby is affirmed and that the costs in the sum of \$ be taxed against the defendant-appellant. To all of which findings and judgment defendant-appellant excepts.

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APPENDIX "C".



RELIGION
AS A
WORLD
REMEDY
THE EVIDENCE IN
SUPPORT THEREOF

HEAR
JUDGE RUTHERFORD
SUNDAY,
JULY 28 • 4 P.M., E.S.T.

FREE ALL PERSONS OF GOOD-WILL WELCOME **FREE**
COLUMBUS COLISEUM
OHIO STATE FAIR GROUNDS

1940's
Event of Paramount Importance
TO YOU!

What is it?

The THEOCRATIC CONVENTION of
JEHOVAH'S WITNESSES

Five Days - July 24-28 - Thirty Cities

ALL LOVERS OF RIGHTEOUSNESS — WELCOME!

The strange fate threatening all "Christendom"
makes it imperative that you **COME** and **HEAR**
the public address on

RELIGION AS A WORLD REMEDY

The Evidence in Support Thereof

by

Judge Rutherford

at the **COLISEUM** of the
OHIO STATE FAIR GROUNDS
Columbus, Ohio

Sunday, July 28, at 4 p.m., E.S.T.

"He that hath an ear to hear" will come to one of the auditoriums of the convention cities listed below, tied in with Columbus by direct wire. Some of the 30 cities are

Boise, Idaho
Des Moines, Iowa
Duluth, Minn.
El Paso, Texas
 Fargo, N. Dak.
Fort Worth, Texas
Great Falls, Mont.

Kansas City, Mo.
Lincoln, Nebr.
Long Beach, Calif.
Medford, Oreg.
Pueblo, Colo.
St. Paul, Minn.
San Antonio, Texas

San Diego, Calif.
San Jose, Calif.
Seattle, Wash.
Sioux Falls, S. Dak.
Spokane, Wash.
Tulsa, Okla.
Honolulu, T. H.

For detailed information concerning these conventions write
WATCHTOWER CONVENTION COMMITTEE
117 ADAMS ST., BROOKLYN, N. Y.

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